

Call to Order:

The Planning Board Meeting was called to order at 7:32PM on January 25, 2022 via Cisco Webex online video conferencing platform. Present were Chair Zachary Bergeron, Vice Chair Rocky Leavitt; Members Vincent Chiozzi, Jr. (joined late via phone call), Neil Magenheim, Ann Knowles, and associate Morgan von Prella Pecelli. Also present were Jacki Byerley, Planner, and Tom Urbelis, Town Counsel.

CONTINUED PUBLIC HEARINGS:**300 Minuteman Road – Special Permit for a Major Non-Residential Project (SP21-06) and Special Permit for a Change in Parking Space Requirements (SP21-07):**

Mr. Bergeron opened the continued public hearings for the major non-residential project and change in parking space requirements special permit applications submitted by 300 Minuteman Road, LLC. Mark Johnson, Johnson & Borenstein, LLC, Attorney for the applicant; Michael Rak, Vice President, Spear Street Capital; and Charles Scott Doty, Managing Principal, John G. Crowe Associates, were present.

Mark Johnson provided a project update, indicating that the applicant had filed a Notice of Intent with the Conservation Commission and a working session with the Commission and the Department of Public Works (DPW) was scheduled for Tuesday, February 1, 2022. He added that the applicant would like to review the draft decision submitted by Ms. Byerley, provide comments, and field any questions by the Planning Board. Mr. Johnson proceeded to outline suggested edits to the decision, including a change to Condition #26 that would remove the requirement for interior bike parking. Ms. Byerley stated her opinion that the proposed edits were fair in response to Ms. Bergeron's inquiry. Ms. Knowles requested more information on why interior bike parking would pose an issue. Per Mr. Rak, it was determined that an exterior bicycle rack would be sufficient in consideration of the proposed building use and design.

Mr. Urbelis expressed concern with Condition #21 which states that the applicant would receive a credit of the value of work towards repairs to the private sewer (\$197,500) in the event there is an Inflow and Infiltration (I&I) assessment against all property owners in Minuteman Park. He advised that that the Planning Board may not have the authority to issue said credit. Mr. Johnson and Ms. Byerley proceeded to provide a summary of how the agreement originated between the applicant and DPW. Ms. Byerley added that there is not a signed I&I currently in place in response to an inquiry by Mr. Chiozzi. Given this information, he made an argument that the project would not be subject to an I&I the agreement as it is not retroactive; therefore rendering a credit unnecessary. Mr. Rak stated that he agreed with Mr. Chiozzi and suggested that the discussion be moved offline to determine how best to move forward.

On a motion by Ms. Knowles, seconded by Mr. Leavitt, the Planning Board voted to continue the public hearing to February 8, 2022 at 7:30PM. **Vote: (6-0)**

DISCUSSION ITEMS:**Minutes:**

On a motion by Ms. Knowles, seconded by Mr. Magenheim, the Planning Board unanimously voted to approve the minutes for the November 30, 2021 meeting. **Vote: (6-0)**

Other Planning Related Topics:

Ms. Byerley provided an update on Town Meeting, stating that the Select Board recently discussed changing the date to June 4, 2022 and that the preliminary warrant is available for review on the Town website. Ms. Knowles inquired about a potential water line to be installed on Argilla Road which had also been discussed at the Select Board meeting. Ms. Byerley specified that she would follow-up with Paul Materazzo, Director of Planning & Land Use, and more information would be forthcoming.

EXECUTIVE SESSION:

On a motion by Ms. Knowles, seconded by Mr. Leavitt, the Planning Board voted at 7:59PM to go into Executive Session pursuant to Purpose 3 for confidential communication with Counsel to discuss strategy with respect to litigation filed by Yvon Cormier and not to reconvene in Open Session, and that the Chair declare that an open session may have a detrimental effect on the litigation position of the Town. Mr. Bergeron stated, "I do declare." **Vote: (6-0)**

Adjournment:

On a motion by Ms. Knowles, seconded by Mr. Magenheim, the Planning Board unanimously voted to adjourn the meeting at 9:08PM. **Vote: (6-0)**

Documents:**300 Minuteman Road:**

- Draft Memorandum from Jacki Byerley to the Planning Board re: Project Summary and Recommendation – 1.21.22
- Memorandum from Jacki Byerley to the Planning Board re: Project Summary and Recommendation – 1.25.22

Minutes:

- November 30, 2021 Planning Board Meeting Minutes